

REMARKS

Claims 1-5 have been examined and stand rejected. New claim 6 is added by this Amendment. Thus, claims 1-6 are pending in the application.

Claim Rejections – 35 U.S.C. § 103(a)

Claims 1-5 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over LeCain (WO 03/104884) in view of Rogers et al. (US 6,337,761).

In the rejection, the Examiner contends that LeCain discloses most of the features recited in claim 1, except a plurality of spacers arranged on a surface of at least one of the front and rear substrates in a sealing agent arranging portion. *See* Office Action, p. 3. To make up for this deficiency, the Examiner relies on Rogers alleging it discloses spacers (*citing* protruding member 24 in FIGS. 2A-2D) arranged on a surface of at least one of the front and rear substrates.

As a reason to modify LeCain to utilize a plurality of spacers, the Examiner alleges that it would have been obvious for one of ordinary skill in the art to include the spacers 24 as taught by Rogers to improve stability. *Citing* Rogers, col. 1, lines 5-7.

In response, Applicants submit the Examiner has failed to establish *prima facie* obviousness for failing to articulate a logical basis for modifying LeCain in view of Rogers.

First, the Examiner contends that using the multiple protruding members 24 in LeCain would improve stability. The Examiner cites to column 1, lines 5-7 of Rogers to support this assertion. However, from this limited portion of Rogers it is unclear what sort of “stability” Rogers allegedly improves.

On the other hand, it is clear that Rogers addresses the problem of pigment clustering and agglomeration in an electrophoretic display. *See* col. 1, line 64 through col. 3, line 20.

Essentially, the lifetimes of these devices are limited as the display degrades after a few thousand hours due to the clustering and agglomeration of the pigments. *Id.*

In this regard, Rogers utilizes protruding members 24 in order to break up or prevent agglomeration of pigments in the solution on a scale that is visible to the naked eye. *See* col. 4, lines 34-38. Further, the size of these members is selected so as to not impact the appearance of the display, i.e., 10-30 μm . *See* col. 4, lines 21-27. As shown in FIGS. 2A-2D, these members protrude from a surface, but do not contact any other surface. In this regard, if these members do provide any stability, as alleged by the Examiner, it is stability of the pigmented solution used in these electrophoretic displays, i.e., the prevention of agglomeration.

On the other hand, no pigmented solution is utilized between the spacers 572 and 574 of LeCain. Rather, these spacers form a channel that is filled with a sealing material to provide an edge seal. *See* p. 42, lines 5-8. Further, LeCain is not an electrophoretic display. Accordingly, there is simply no basis for using the protruding members 24 of Rogers in the edge seal of LeCain.

Consequently, the Examiner's contention that one of ordinary skill in the art would modify the bead 574 of LeCain on the basis of an extremely small (10-30 μm) protruding member is nonsensical. Furthermore, because LeCain's sealant does not contain charged pigments that are utilized to provide color variations on a display, there would have been no benefit or expectation of success in using these protruding members 24 within the sealant of LeCain's device.

As such, because the Examiner's purported reasons for modifying LeCain in view of Roger's is unsupported, the Examiner has failed to establish *prima facie* obviousness.

Thus, Applicants submit claims 1-5 are allowable for at least this reason.

New Claim

New claim 6 is added by this Amendment. This claim is supported by, at least, FIG. 4 and the corresponding descriptions in the specification. New claim 6 is allowable by virtue of its dependency and by virtue of the features recited therein.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

/David P. Emery/

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

David P. Emery
Registration No. 55,154

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

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